

MINUTES
COUNCIL CHAMBERS AT CITY HALL
TUESDAY NOVEMBER 8, 2016

6:15 p.m.

**PUBLIC HEARING FOR INPUT ON COMMUNITY NEEDS AND PRIORITIES FOR PUBLIC FACILITIES,
NEIGHBORHOOD REVITATLIZATION & ECONOMIC DEVELOPMENT – SHANNON MUNOZ, PDCOG**

AT 6:15, Mayor Bobby L. Davis called to order the Public Hearing for *INPUT ON COMMUNITY NEEDS AND PRIORITIES FOR PUBLIC FACILITIES, NEIGHBORHOOD REVITATLIZATION & ECONOMIC DEVELOPMENT*. Council members Michael Baker, Ralph Atkinson, Ronald Atkinson, Odessa Gregg, and Joseph Frazier were present. Councilman Emerson Hunt was not in attendance. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, and City Clerk Pam Jones.

6:30 p.m.

REGULAR MEETING

A regular meeting was held by City Council on Tuesday, November 8, 2016 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ralph Atkinson, Ronald Atkinson, Odessa Gregg, Joseph Frazier and Emerson Hunt were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones and City Attorney Kenneth Davis.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV).

Councilman Michael Baker made a motion to approve the minutes of the regular meeting on October 11, 2016, seconded by Councilman Joseph Frazier; motion carried.

Marion Police Department's Sergeant Derric Ray was named *October Employee of the Month* and received a gift certificate. Mayor Davis stated that Sgt. Ray was doing an excellent job for the City and could always be counted on to look out for our citizens.

The Mayor's Monthly Beautification award was given to the Residents of the City of Marion for their help in cleaning up our City after Hurricane Matthew. The framed award will hang in the lobby at City Hall.

City Clerk Pam Jones read a Resolution in honor Colonel James Page signed by Mayor Davis and Council members. Mayor Davis presented the Resolution to Mrs. Suzanne Page, widow of Colonel James Page. She thanked the Mayor and Council for honoring Colonel Page.

Mr. Al Blake, Executive Director of HMRA was present to talk about the ribbon cutting and event at the new Main Street Commons. Mayor Davis asked Mr. Blake to attend the TV taping of Swamp Fox Country, which will be held at the Main Street Commons on Thursday. This will showcase this new venue to Marion and Dillon County. At the request of Mr. Blake, Councilman Ralph Atkinson made a motion to endorse the request to block off Main Street from Dozier Street to Witcover Street from 6:00 p.m. to 10:00 p.m. for the event being held on November 23rd, seconded by Councilman Emerson Hunt; motion carried.

Regarding Councilman Frazier's request to discuss changing the City's curfew for minors under the age of 17, Mr. Ammons stated that Council was given a copy of the current curfew Ordinance to review. The original was drawn up by Attorney Davis so he is familiar with this. Councilman Frazier stated it's a good Ordinance but wants the hours amended to 10:00 p.m., due to school nights and also with the holidays coming up, midnight is a long time to have kids on the street. Mayor Pro-tem Atkinson would like for Alan or the Attorney to explain to the public what this means. It doesn't mean you can't get in your car and go somewhere and tend to business. His understanding is that it is for people walking the streets. Mayor Pro-tem Atkinson wants the public to know what this consists of. City Attorney Davis stated that in 2008 the City adopted a Juvenile Curfew Ordinance which prohibits idle behavior between the hours of midnight and 6:00 a.m. This was based on a model that was prevailing in 2008, for those who were adopting curfews. There are a number of exceptions to this including going or coming from work and coming back from a sporting event. A lot of notice is involved because the primary punishment is directed at the parents as opposed to the child. While the City of Marion can prohibit conduct by juveniles, it can't punish the juvenile because, by state law, that would have to be resolved in Family Court. There is a penalty against the parents after numerous notices have been issued. The City may want to update this Ordinance, based on how many times it has been enforced, as 8 years is a long time society changes a lot in 8 years. Mayor Pro-tem Atkinson commented he didn't mind lowering the time some

and this was what he wanted the public to know, that this is basically for foot traffic, not for those working or participating in various school or other functions. Councilman Ralph Atkinson asked if there was an exception for teenagers who went out on a date and were not home by a specified curfew to which Attorney Davis responded that there were exceptions if the parents approved. Councilman Hunt commented that about 60% of the kids in this community walk, and while the current curfew may be late for some people, in 2016 10:00 p.m. is not late. Kids will not understand why they are being stopped for walking home, if we prosecute the parents for them walking home, without them committing a crime, then what happens if they are tased, like the young woman on Jones Ave was when she was just walking. We should be very careful about how we put stricter enforcements and regulations on people who inherently have the freedom to walk down the street. Councilman Hunt wants the Council to look at this very carefully as our police officers are already overworked, without having to stop juveniles from walking on a public street. Councilman Hunt inquired as to how this would be enforced. Would you put handcuffs on children for nothing other than them walking down the street past a 10:00 curfew? When Attorney Davis began to answer, Councilman Hunt stated that he wanted Chief Tennie to answer. Mayor Davis stated that Attorney Davis should be allowed to respond and then ask the Chief. Councilman Hunt commented that Mayor Davis should not interrupt him as he does not interrupt the Mayor. Mayor Davis responded that he was the chair and had to be asked before a Council member could speak to or ask a question of those attending the meeting. After more back and forth regarding who could speak and when, between Mayor Davis and Councilman Hunt, Mayor Davis asked the attorney to continue with his comment. Attorney Davis commented the law allows law enforcement to abide by Ordinances and state law, and detain those, including juveniles, who do not abide by those laws. Councilman Hunt commented that he meant no disrespect to the officers, and also offered his apologies to the chair, but felt like he had a valid point. To Chief Tennie he asked idle behavior meant to him, as Councilman Hunt further commented that "walking" is not idle behavior and how can a child be stopped for walking? Chief Tennie that officers try to talk to the juveniles and then take them home to their parents, but if they give us any problem, they are placed in handcuffs for the officer's safety. Councilman Hunt stated that he is not trying to make a scene but he has the right to offer his position regarding the curfew. Mayor Pro-tem Atkinson stated that a juvenile of 17 and under doesn't have a right to argue with a police officer; the police officer has the right to ask them a question. If they so choose to show out, they need to be reprimanded, no matter what's going on. Councilman Hunt disagreed with Mayor Pro-tem Atkinson by saying that don't have rights to buy alcohol, but they do have human rights, they citizens and they do have the right to walk down the street. Councilman Baker asked Chief Tennie what we are doing right

now with a 12:00 curfew, how are we handling that right now? Chief Tennie responded that it has not been a problem for his department. Mayor Davis stated that he wanted to clear up the fact about the lady who was detained and tased, was not a juvenile, but an adult, and the police officers paid a price for that. Mayor Davis wants the public to understand that nobody on the Council wants to do anything to cause parents or children problems, but it is their duty as elected officials to protect the public as well. The Ordinance states that the kids may be out with their parents' permission. If they follow the 10 rules in the Ordinance, there will be no problem, but if they're out at 12 and 1 o'clock at night without their parents' permission, it is our duty to try and protect that child as well as the community. Mayor Pro-tem Ronald Atkinson made a motion to table this and carry it over to the next meeting, seconded by Councilman Emerson Hunt; motion carried.

Councilman Joseph Frazier made a motion to accept the low bid of \$6,940 from Herrington's Construction for storm water repair at 903 Allen Drive, seconded by Councilman Michael Baker; motion carried. Councilman Michael Baker made a motion to accept the low bid of \$14,000 from Driggers Construction for storm damage at 300 Dunlop Street, seconded by Councilman Joseph Frazier. Motion carried. Councilman Michael Baker made a motion to amend the previous motion (for 300 Dunlop St.) to allow the Treasurer to make any necessary adjustments for additional funds, if needed, and depending on how much FEMA pays. The motion was seconded by Councilman Joseph Frazier and carried.

ADMINISTRATOR'S REPORT

Mr. Ammons commented that in meeting with the Treasurer and Department Heads, they have come up with a list of certain expenses we have already had and also expenses of items that have not been repaired. We are still waiting on the insurance adjusters for all these roof issues and expect them to be here this week. Right now we are looking at \$191,000 in expenses and damages, not including the roofs. In buildings with items that were covered, we will have a \$1,000 deductible. Debris removal is on a SCDOT contract and they are supposed to start tomorrow picking up C & D items in the City (carpet, construction type items). They are working 7 days a week from 7 to 7, but it's taking a long time because they have to go to all the way to Ariel's Crossroads and unload, and are only able to make 4 – 5 trips a day. Mr. Ammons showed Council a prototype of the new "Slow Down" signs and with Council's approval, he will order the signs. Council decided to get the sign as presented, and Mr. Ammons will place the order.

CITY ATTORNEY'S LEGAL UPDATE

Attorney Davis had no comment at this time.

DEPARTMENTAL REPORTS

Mayor Davis stated that all Departmental Reports were sent out in Council's packets. Mr. AL Blake, HMRA, commented that HMRA was currently promoting the "Win the Window" contest, late night shopping with the downtown merchants one night during November and one during December. Also Prelude to Christmas on December 3rd before the parade.

DISTRICTS AND CITY UPDATE FROM COUNCIL AND MAYOR

Councilman Emerson Hunt hopes to find a peaceful solution for the curfew situation. Our Police Department is down 4 or 5 officers and they are stretched to the hilt. We are losing officers at an alarming rate and then to impose a 10:00 curfew to give them more to do, should be looked into very carefully.

Councilwoman Odessa Gregg had no comment at this time.

Councilman Ralph Atkinson had no comment at this time.

Mayor Pro-tem Ronald Atkinson commented that he was glad to see the city truck back in action, but has concerns about trash and debris not being picked up and the trucks ride by empty. He understands that certain things cannot be picked up by our people, but doesn't see why regular yard debris has not been picked up since the storm. He further commented that he has seen where they are working now and appreciates that. Mr. Ammons responded that we are back on schedule, the first couple of weeks they were working at the parks, tearing out carpet at CD Joyner and some other things that the SCDOT contract allowed us to do.

Councilman Joseph Frazier thanked the City for spraying for mosquitos. He hopes the sweeper will stay in action. He also hopes that during Christmas we will have a movie for the kids, we need to give them something to do. Councilman Frazier stated he thought Chief Tennie forget about the meet and greet for this year and would like to have one in the spring and invite the general public, Mayor Davis commented that Mr. Frank Page is working on the film thing. Mr. Ammons commented that Mr. Page had picked out a couple of movies and he would follow up with him.

Councilman Michael Baker had no comment at this time.

Mayor Bobby L. Davis stated that Chief Tennie is short 2 officers, plus one is in the Academy til Sunday. Mayor Davis asked FEMA to come to a meeting at the Opera House to speak to our citizens pertaining to the devastation that we suffered during the storm. Approximately 7 State and Federal officials came to answer any questions the public had and to let us know what the State and Federal government could do for Marion and Marion County. SCDOT will make two passes to pick up the storm debris. It is a long, slow process but it will get done. There are other counties who are also getting help, Florence County has stated that it may be sometime in 2017 before they are clear, and we hope it will not be that long for us. Mayor Davis thanked Mr. Wayne George, Ms. Mary Dunbar, the City of Marion employees, Rev, Larry Williams and his ministry, for assisting with our veterans. We put on a very positive program for our veterans and we had many people take part, including Retired General Frank Jones from Mullins. Retired Master Sergeant Rachel Gause, Marion High School graduate, was the guest speaker. Thanks to the Street Department, Sanitation Department and Police Department for their help in carrying this out. He also thanked the employees for their effort in cleaning up the debris, it's a long, slow process but it will get done. Mayor Davis expressed sympathy to City Employee Kelly Calhoun at the loss of his father, and asked that the Calhoun family be remembered in prayers. Mayor Davis commented that he had given 2 authorizations for use of City facilities and those are in the Council packets. One is a free concert at CD Joyner on December 17th for our youth. Also, CD Joyner will be used for another movie being filmed in Marion, November 30 – December 17.

EXECUTIVE SESSION

Councilman Ralph Atkinson made a motion to enter Executive Session to discuss a legal update on a Contractual Matter, seconded by Councilman Joseph Frazier; motion carried. Upon returning from Executive Session, Mayor Davis stated that no action was taken. Councilman Michael Baker made a motion to return to open session, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

ADJOURNMENT

With no further business to discuss, Councilman Ralph Atkinson made a motion to adjourn, seconded by Councilman Michael Baker; motion carried.

Mayor Bobby L. Davis

City Clerk Pam Jones

Taped: November 8, 2016